

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

JOHN DOE #1-#14 and JANE DOE #1-2,)
Plaintiffs,)

vs.)

LLOYD AUSTIN, III, in his official)
capacity as Secretary of Defense, U.S.)
Department of Defense)

XAVIER BECERRA, in his official)
capacity as Secretary of the U.S.)
Department of Health and Human)
Services,)

FRANK KENDALL, in his official)
capacity as Secretary of the Air Force,)
Department of the Air Force,)

CIVIL ACTION NO.
3:21-cv-01211-TKW-HTC

CARLOS DEL TORO, in his official)
capacity as Secretary of the Navy,)
Department of the Navy, and)

(ORAL ARGUMENT
REQUESTED)

JANET WOODCOCK, in her official)
capacity as Acting Commissioner of the)
U.S. Food and Drug Administration, and)

CHRISTINE WORMUTH, in her official)
capacity as Secretary of the Army,)
Department of the Army,)

Defendants.)

PLAINTIFFS' EMERGENCY MOTION FOR DECLARATORY ORDER, STAY, PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER

Plaintiffs, John Doe #1-#14 and Jane Doe #1 and #2, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, move for a Preliminary Injunction and Temporary Restraining Order (“TRO”) against the following Defendants: Lloyd Austin, III, Secretary of Defense (“SECDEF”), Department of Defense (“DOD”), Xavier Becerra, Secretary of Health and Human Services, Department of Health and Human Services (“HHS”), Frank Kendall, Secretary of the Air Force, Department of the Air Force (“Air Force”), Carlos Del Toro, Secretary of the Navy, Department of the Navy (“Navy”), Janet Woodcock, acting Commissioner of the Food and Drug Administration (“FDA”), and Christine Wormuth, Secretary of the Army, Department of the Army (“Army”).

Plaintiffs ask this Court to stay and preliminarily enjoin Defendants from implementing the DOD’s vaccine mandate requiring Plaintiffs, to be injected with an experimental vaccine, or face disciplinary action, up to and including termination, separation, dishonorable discharge, loss of benefits, and deprivation of other civil and constitutional rights and privileges.

As explained more thoroughly in Plaintiffs’ complaint, *see* ECF No. 1, and the brief in support of this Motion, time is of the essence and Plaintiffs and others like them are likely to suffer irreparable harm without urgent, emergency injunctive relief from this Court. Respectfully, Plaintiffs ask this Court to grant the expedited

relief requested in the complaint and/or hold a hearing on Plaintiffs' request for injunctive relief as soon as practicable. As explained in Plaintiffs' October 6, 2021 filing, the instant motion is limited to Plaintiffs' claims regarding Defendants' violations of federal laws and regulations, in particular the Administrative Procedures Act; Plaintiffs' constitutional claims will be addressed in a separate filing. Plaintiffs respectfully request oral argument because of the complexities and importance of the issues in this case.

WHEREFORE, Plaintiffs respectfully request that the Court grant the foregoing Emergency Motion for Administrative Stay, Temporary Restraining Order and/or Preliminary Injunction, and enter the Proposed Order immediately granting the administrative stay and TRO.

Respectfully Submitted,

/s/ Ibrahim Reyes
Ibrahim Reyes, Esq.
Florida Bar No. 581798
REYES LAWYERS, P.A.
236 Valencia Avenue
Coral Gables, FL 33134
Tel. 305-445-0011
Fax. 305-445-1181
Email: ireyes@reyeslawyers.com

/s/ Brandon Johnson
Brandon Johnson, Esq.
DC Bar No. 491370
/s/ Travis Miller
Travis Miller, Esq.
TX Bar No. 24072952
Defending the Republic
2911 Turtle Creek Blvd., Suite 300